

### **REMARKS**

This amendment is responsive to the Office Action of January 19, 2007.  
Reexamination and reconsideration of the application are respectfully requested.

#### **The Office Action**

**Claims 1–6, 10, 12, 14, 15, 18–21, 23–25, and 28** stand rejected under 35 USC §103(a) as being unpatentable over Abe (US Patent No. 5,056,023).

**Claims 7 and 11** stand rejected under 35 USC §103(a) as being unpatentable over Abe in view of Tinsley et al. (US Patent No. 6,343,617).

**Claims 8, 13, 22, and 26** stand rejected under 35 USC §103(a) as being unpatentable over Abe in view of Hutchinson (US Patent No. 6,750,787).

**Claim 27** stands rejected under 35 USC §103(a) as being unpatentable over Abe in view of Tinsley et al. and in view of Hutchinson.

**Claims 16 and 29** stand rejected under 35 USC §103(a) as being unpatentable over Abe in view of Fiske et al. (US Patent No. 5,644,491).

#### **The Claims of the Present Application Distinguish Over the Cited References**

**Claim 1** recites a reset switch, communicating with the microcontroller, for at least one of clearing the diagnostic message from an ECU and causing the ECU to enter a self-configuration mode. The ECU is on an associated vehicle. As disclosed in paragraph 31 of the present application, the reset switch is actuated by a user (e.g., the reset switch is responsive to a magnet being passed within a certain distance).

The Examiner has pointed to col. 3, lines 38–47 of Abe as disclosing a reset switch for at least one of clearing the diagnostic message from an ECU and causing the ECU to enter a self-configuration mode. However, the switches SW3, SW5, SW6, SW8, SW9 disclosed in Abe are on the vehicle—not on the diagnosis unit 25—and are connected to the ECU 504, which is also on the vehicle. The diagnosis unit 25 of Abe merely indicates to a user the status of the switches SW3, SW5, SW6, SW8, SW9. Since the reset switch recited in **claim 1** is included on a diagnostic unit that also includes a microcontroller communicating with an ECU on an associated vehicle, the diagnostic unit (and the reset switch) are not part of the vehicle. Besides a power switch SW4, Abe fails to disclose or suggest any switch that is on the diagnosis unit 25 and that is not on the vehicle.

In addition, Abe merely discloses removing control of constant speed of a vehicle or resetting a constant speed of the vehicle when the ECU 504 receives signals from the switches SW3, SW5, SW6, SW8, SW9. Abe fails to disclose or suggest clearing a diagnostic message from the ECU or causing the ECU to enter a self-configuration mode, as recited in **claim 1**.

For the reasons discussed above, Abe fails to disclose or suggest a reset switch, as recited in **claim 1**. Therefore, **claim 1** and **claims 2, 4–9, and 30**, which depend therefrom, are patentable over Abe.

In addition, neither Tinsley et al. nor Hutchinson, either taken alone or in any combination with Abe, discloses or suggests a reset switch, as recited in **claim 1**. Therefore, **claim 1** and **claims 2, 4–9, and 30**, which depend therefrom, are patentable over the combination of Abe and Tinsley et al. and the combination of Abe and Hutchinson.

**Claim 10** recites "a reset switch...for at least one of selectively clearing an ECU on an associated vehicle and selectively causing the ECU to enter a reconfiguration mode." For the reasons discussed above, **claim 10** and **claims 11–14, 16, and 17**,

which depend therefrom, are patentable over either Abe or Abe in combination with Tinsley et al. or Hutchinson.

The Examiner has pointed to the combination of Abe and Fiske et al. as disclosing a reset switch activated in response to a magnet (see **claim 16**). However, Fiske et al. fails to disclose or suggest a reset switch for at least one of selectively clearing an ECU on an associated vehicle and selectively causing the ECU to enter a reconfiguration mode, as recited in **claim 10**. As discussed above, Abe also fails to disclose or suggest a reset switch for at least one of selectively clearing an ECU on an associated vehicle and selectively causing the ECU to enter a reconfiguration mode, as recited in **claim 10**. The combination of Abe and Fiske et al. also fails to disclose or suggest a reset switch for at least one of selectively clearing an ECU on an associated vehicle and selectively causing the ECU to enter a reconfiguration mode, as recited in **claim 10**. Therefore, **claim 10** and **claims 11–14, 16, and 17**, which depend therefrom, are patentable over the combination of Abe and Fiske et al.

**Claim 18** recites a reset switch, communicating with a microcontroller, for one of clearing a diagnostic message from an ECU and transmitting a self-configuration command to the ECU. The ECU is on an associated vehicle. For the reasons discussed above, **claim 18** and **claims 20–24**, which depend therefrom, are patentable over either Abe or Abe in combination with Hutchinson.

**Claim 25** recites "activating a reset switch for at least one of clearing the electronic control unit and causing the electronic control unit to enter a reconfiguration mode." The electronic control unit is on an associated vehicle. For the reasons discussed above, **claim 25** and **claims 26, 27, and 29**, which depend therefrom, are patentable over Abe. Similarly, **claims 25–27 and 29** are also patentable over i) Abe in combination with Hutchinson, ii) Abe in combination with Tinsley et al. and Hutchinson, and iii) Abe in combination with Fiske et al.

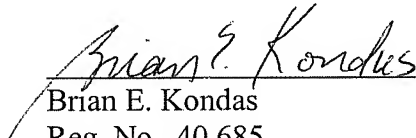
**CONCLUSION**

For the foregoing reasons, it is submitted that the claims of the present application are in condition for allowance. Early notice thereof is respectfully requested.

It is believed that there is no fee associated with the filing and consideration of this amendment. Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all such fees, and/or credit any overpayments, incurred as a result of entering this amendment to Deposit Account No. 03-0172.

Respectfully submitted,

CALFEE, HALTER & GRISWOLD LLP

  
\_\_\_\_\_  
Brian E. Kondas  
Reg. No. 40,685  
Customer No. 24024  
(216) 622-8308